

## **NATURAL RESOURCES COMMISSION**

### **Meeting Minutes**

**March 5, 2008**

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, March 5, 2008. The following Commissioners were present: Alexander Easterday, Chair, Montgomery Lovejoy, and George Lewis. Delia Kaye, Natural Resources Administrator, and Cynthia L. Gray, Natural Resources Administrative Assistant, were also present.

### **CONTINUANCES:**

**THE FIRST PARISH IN CONCORD – 16 Lexington Road / NOI** – Building renovations including a third floor addition; redevelopment of parking lots, driveways, walkways, and landscaping; installation of a new drainage system within Bordering Land Subject to Flooding and 200-foot Riverfront Area to Mill Brook and in the 100-foot Buffer Zone to Bordering Vegetated Wetland and Bank, **DEP File #137-960**

Bernard Hamill, PE and Project Manager of Ambient Engineering, Inc. and Sergio Siani, Building Committee Chair of The First Parish Church, appeared on behalf of the applicant.

Revised plans were presented at this evening's hearing. The applicant has reduced the proposed pavement width from 14 feet to 12 feet to minimize the new impervious surface. The Fire Department is comfortable with this pavement width. Work to install underground 3-phase power to the proposed transformer will take place within the 25-foot No Disturb Zone. A rubber track with a half-yard bucket on the back would be used for the conduit work to minimize disturbance and would most likely take two days to complete. Sergio Siani stated that the, 3-phase power is required for the elevator. Mr. Siani is anticipating site work to commence in mid-June. The three-phase power portion of the project would commence in late summer or early fall. The applicant will also implement the Invasive Species Plan with annual reports, as mitigation for unauthorized tree clearing last summer, as well as to mitigate for .

This hearing was continued to March 19, 2008 at which time the Commission expects to close the hearing and issue an Order of Conditions.

### **REQUEST FOR EXTENSION:**

**SILVER HILL POND** – off Silver Hill Road, **DEP File #137-534**

Dominic Meringolo, Senior Environmental Engineer of Aquatic Control Technology, Inc. represented the Applicant, as he was in attendance for other business at this evening's

meeting. A representative from Silver Hill Association was not present. This extension request is for beach maintenance and chemical spot treatments of the pond. The Applicant's representative noted beaver activity in a wet area. The Commission requested that the Applicant provide information on when drainage structures were last maintained. Staff will conduct a site visit.

This hearing was continued to March 19, 2008.

**CONCORD GREENE CONDOMINIUM ASSOCIATION – Condominium Ponds at 1024 Main Street, DEP File #137-833**

Paul Vanderlee, Business Manager of Concord Greene appeared together with Dominic Meringolo, Senior Environmental Engineer of Aquatic Control Technology, Inc. This is the first Extension Request to the permit issued in May 2005. The applicant is requesting a 3-year extension to apply the herbicides glyphosate (Rodeo®), fluridone (Sonar®), diquat (Reward®), and a liquid copper compound algacide (Captain®) to treat nuisance aquatic weeds. Duckweed has been reduced and the Applicant is considering Reward® instead of Sonar® because it is more of a spot treatment than Sonar®. Sonar® requires a certain pond-wide concentration to be effective, and often requires a second treatment within a 4 to 6-week period.

Concord Greene Condominium Association has budgeted funds to obtain a GPS survey of the storm drains required by the Commission in the original permit. Forty storm drains will be mapped. There are three aeration units in the ponds; a fourth is being considered to reduce algacide use. There is no evidence that there is any adverse impact on invertebrates. Mr. Meringolo submitted information to the Commission on the herbicide Reward (Diquat) at this evening's meeting.

The Commission discussed the following Special Conditions:

- (1) A 5-foot minimum width of natural vegetation be maintained and expanded where possible
- (2) The Applicant provide a surface water sample upgradient of the ponds
- (3) the Applicant will provide the Commission with the GPS survey on storm drains required in the Order within one year; receipt of which will be conditional for further work on the pond in 2009 and 2010.

The Applicant agreed to supply temperature as part of the sampling results in their year-end report.

This hearing was continued to March 19, 2008 at which time the Commission expects to provide a draft of the Extension for review in anticipation of closing the hearing and issuing an Extension at the April 2, 2008 meeting.

**ANNURSNAC HILL ASSOCIATION POND – off College Road, DEP File #137-638**

Jim Barnes, Annursnac Hill Association Pond Co-Chairman appeared together with Dominic Meringolo, Senior Environmental Engineer of Aquatic Control Technology, Inc. This is the third Extension Request for a permit issued in May 2001. Spot treatments are

proposed based on the upcoming May survey. The Applicant would like to have copper algaecide available as an option. The Commission discussed a Special Condition that treatment would remain at one application per year with monitoring. The Association is not aware of problematic septic systems from abutting households. After discussion, it was recommended that the Applicant reduce fertilizing and expand the no-mow zone to provide a minimum 5-foot, a vegetated buffer, and that the Association educate new neighbors of these recommendations.

This hearing was continued to March 19, 2008 at which time the Commission expects to close the hearing and issue an (three? Year) Extension.

### **PERMIT DISCUSSION:**

#### **BREITMAIER (Denial Order) – 50 Garfield Road, Lot 2, DEP File #137-962**

Commissioners will email any edits on the Denial Order to staff by close of business on March 6, 2008 in anticipation of issuing a Denial Order at the Natural Resources Commission meeting scheduled for Friday, March 7, 2008.

#### **TOWN OF CONCORD (ORAD) – Railroad Right-of-Way (Bruce Freeman Rail Trail), DEP File #137-948**

The Commission discussed the proposed Findings relative to the Order of Resource Area Delineation (ORAD). The Commission will email any comments on the ORAD to staff by close of business on Thursday, March 6, 2008 in anticipation of issuing a final ORAD at the Natural Resources Commission meeting scheduled for Friday, March 7, 2008.

### **ISSUE PERMITS:**

#### **BREITMAIER (Extension) – 50 Garfield Road, Lot 2, DEP File #137-830**

George Lewis moved to issue a one-year Extension. Montgomery Lovejoy seconded. All so voted.

#### **BERCEL (Amended Order) – 61 Black Duck Road, DEP File #137-864**

George Lewis moved to issue an Amended Order of Conditions. Montgomery Lovejoy seconded. All so voted.

### **CERTIFICATES OF COMPLIANCE:**

#### **152 COMMONWEALTH INC. (LORENZ) – 152 Commonwealth Avenue, DEP File #137-834**

Montgomery Lovejoy moved to issue a Certificate of Compliance. George Lewis seconded. All so voted.

## **OTHER BUSINESS:**

### **2008 Blanding's Turtle Work at GMNWR – Presentation by Bryan Windmiller**

Dr. Bryan Windmiller of Hyla Ecological addressed the Commission relative to the ongoing radio tracking of Blandings Turtles which commenced in 2003. Currently, there are estimated to be 50 to 55 Blandings Turtles at Great Meadows. It appears that there is a loss of females because they move more during the nesting season. The remaining females are quite old. Female Blanding's turtles reach adulthood at about 20 years, and return to the same nesting spot each year. Many nests have been inadvertently destroyed over the years. Hatchlings did not have high survival rates when the adjacent lands were corn fields, resulting in lower recruitment into the population. Hutchins Farm has been very cooperative with protecting nests and hatchlings in the cropped areas since they took over farming the area. It appears that the selection has favored turtles that are less likely to travel. This may be enhanced by an adequate food supply in the area.

Last year, Zoo New England established a head start program to allow hatchlings a greater chance of survival, as they can grow up to three times as quickly in a head start program than in the wild. Eleven hatchlings are in the head start program, though one has died.

Dr. Windmiller is proposing to monitor the Blandings Turtles for another twenty years. For this year, he proposes to reattach failing transmitters and continue the nest surveys for a 3-week period in June. Dr. Windmiller is also proposing an outreach effort to educate the general public and school children. The proposed budget for this year is \$20,900.00 (including labor and supplies). Of this amount, \$13,100 is funded through the following sources:

\$2,000 from U.S. Fish & Wildlife  
\$6,400 from Zoo NE  
\$1,700 from Natural Heritage  
\$3,000 private funding

Bryan Windmiller is requesting \$4,000 from the Commission for this year, and \$3,000 in following years.

After discussion, the Commission acknowledged their support of the project. Montgomery Lovejoy moved to approve the funding request of \$4,000 for 2008 to continue the 2003 Blanding's Turtle Study. George Lewis seconded. All so voted.

### **Bruce Freeman Rail Trail Survey of the Blue-Spotted Salamander**

In response to a request from DNR staff, Bryan Windmiller addressed the Commission regarding study of the blue-spotted salamander in two vernal pools on Town property adjacent to the rail trail. Dr. Windmiller also discussed potential habitat for the state-listed wood turtle. He will be looking for a teacher in the public school system to get the school children involved in wood turtle surveys.

Montgomery Lovejoy moved to approve the \$1,820.00 funding to commence research on the blue-spotted salamander. George Lewis seconded. All so voted.

#### **Town Meeting Warrant Articles**

Commissioners reviewed the warrant for Town Meeting and determined the following articles should be reviewed relative to whether the Commission should take a position. Commissioners will report back at the March 19, 2008 Commission Meeting:

Bruce Freeman Rail Trail

Articles 27, 28, 29 and 30 – Alexander Easterday

Community Preservation Committee

Articles 31, 32 and 33 – Montgomery Lovejoy

Hugh Cargill Farm Management Plan

Article 34 – George Lewis

Decision Process for Acquisition of Conservation Land

Article 35 – George Lewis

#### **Dee Bus update**

Delia Kaye reported that Clean Harbors has been replaced by LFR, retained by the owner, George Dee. Delia Kaye issued an administrative amendment to the existing permit to remove a small amount (25 square feet) of soil that tested above reportable concentrations for lead. The area will be backfilled with clean hydric soil and reseeded in the spring. Contaminated soil was placed in two barrels onsite that will be removed within one month (time needed to allow for further testing to determine appropriate offsite disposal). The Commission asked whether the absorbent pads had been removed from the wetland. Delia Kaye stated that she would report back to the Commission on the status of their removal.

#### **335 Walden Street CR**

The Notice of Intent for 335 Walden Street was filed this day by Concord Housing Trust, Inc. No property lines are shown on the plan. The Commission encourages agriculture on this parcel. Gary Clayton of the Community Preservation Committee will be providing his comments to staff.

#### **Ammendolia Land ( Map J7, Parcels 971, 4210-2 and 4209)**

This land appears to be too wet for playing fields. It would be desirable to re-establish farming on the site. This matter was tabled until the next scheduled meeting in order to have a full Commission present for discussion.

#### **Marshall Farm (169 Harrington Avenue – Parcel 2710)**

The Town is interested in pursuing a life tenancy agreement on this parcel for the Marshalls and their son, DNR staff is working to obtain an appraisal on the land.

### **Heywood Meadow – September Stone Soup Dinner**

Jim Wayman is interested in hosting a Stone Soup dinner, similar to an event in Tuscany, to celebrate local farming and produce. He has asked about the feasibility of using Heywood Meadow to hold the event. The cost is anticipated at \$30-\$40/person with an estimated 300 people expected to attend. The Commission discussed this proposal, noting no existing parking, lack of toilet facilities and food preparation areas, and other potential sites. The Commission requested that the sponsors identify other potential sites that might be more suitable.

### **Wetland Bylaw - Calendar**

Proposed Community Outreach Dates: April 23 (or April 24); May 14; June 24 and October 8, 2008. Locations include: Alcott School, Ripley School, Harvey Wheeler Community Center and the Town House.

George Lewis will undertake drafting of the initial Wetland Bylaw

The following is a schedule for newspaper articles to be published in The Concord Journal:

March – Delia Kaye

April – Katie Holden

May – Jamie Bemis

June – Alexander Easterday

September – Monty Lovejoy

October – George Lewis

November – Steve Verrill

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant